

REMARKS

Claims 1-11, 15-17, and 62-65 are pending in the application. Claims 1-11, 15-17, and 62-65 are hereby canceled. New claims 76-89 are added. Applicant requests consideration of the following remarks and allowance of the claims.

Rejections Based Upon 35 U.S.C. § 102(e)

Claims 1-11, 15-17, and 62-65 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,385,203 (McHale). Applicant respectfully traverses MChale with respect to new claims 76-89 for at least the following reasons.

New claim 76 requires a premises device located on a customer premises and configured to transmit a plurality of communications for a plurality of services to a service provider network using a plurality of access technologies. Claim 76 further requires an access device located at the customer premises and configured to receive first communications for a first service using a first access technology, determine if the first access technology is acceptable for the first service, transfer the first communications to the service provider network using the first access technology if the first access technology is acceptable for the first service, and determine a second access technology different from the first access technology and transfer the first communications to the service provider using the second access technology if the first access technology is not acceptable for the first service.

Claim 76 advantageously provides for dynamically mapping communications between various access technologies, depending upon the acceptability of the access technologies in view of the service associated with the communications. In this manner, new access technologies between the service provider and the customer premises can be implemented without concern for the access technologies implemented between the access device and the premises device.

McHale fails to disclose an access device located on a customer premises along with a premises device. MChale further fails to disclose such an access device capable of transmitting communications using multiple and different access technologies. As pointed out by the examiner in the recent Advisory Action, MChale provides a server installed at an Internet Service Provider, wherein each end user may subscribe to a single

technology of various XDSL technologies. The server in McHale is therefore capable of handling all the access technologies used by its customers.

In contrast, claim 76 is directed to an access device located on a customer premises, not a server located at a service provider (ISP). In addition, the access device of claim 76 communicates over multiple access technologies with a single destination- the service provider. In contrast, the server of McHale communicates with multiple destinations- the multiple end users.


Independent claim 83 contains limitations similar to those of claim 67 and is therefore allowable over the art of record for at least the same reasons as claim 67. The remaining dependent claims, while separately allowable over the art of record, depend from otherwise allowable independent claims. Applicant therefore refrains from a discussion of the dependent claims for the sake of brevity.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore respectfully requests allowance of the claims. Any fees in addition to those submitted may be charged to deposit account 21-0765.

Respectfully submitted,

Date: 2-27-6



Stephen S. Roche, Reg. No. 52,176
Setter Ollila LLC
Telephone: (303) 938-9999 ext. 15
Facsimile: (303) 938-9995

Correspondence address:

CUSTOMER NO. 28004

Attn: Harley R. Ball
6391 Sprint Parkway
Mailstop: KSOPHT0101-Z2100
Overland Park, KS 66251-2100